

## **REMARKS**

Applicant respectfully thanks the Examiner and his Supervisor for the telephonic interview with Applicant's undersigned representative conducted on March 1 at 3:30 PM. During that interview, it was agreed that the arguments set forth below are compelling and that, subject to a further search and any other matters that may arise, the claims should be allowable without further amendment.

### **I. The Rejections**

Currently pending are (1) a rejection under 112, second paragraph, concerning the clarity of the dependent claims, which the Examiner asserts broaden rather than narrow the scope of the independent claim, and (2) a set of prior art rejections relying on Tachikawa as the primary reference.

Both the 112 and the prior art rejection stem from a single misunderstanding about the meaning of the claim language. Specifically, the claims attempt to claim that the zone of reduced interstitial oxygen concentration is at least a certain depth, e.g., 75 microns for independent claim 1, and 100, 125, 150, or 175 for various dependent claims.

The Examiner and Applicant are in agreement that Tachikawa teaches no more than a relevant zone that is 1 micron in depth.

The present dispute concerns one and only one issue, whether the present claim language recites (1) that the zone is at least 75 (100, 125, 150, or 175) microns in depth, and therefore clearly distinguishes over Tachikawa or (2) not more than 75 (100, 125, 150, or 175) microns in depth, which would not be a distinguishing feature over Tachikawa's 1 micron deep zone.

The claim language in issue is:

said zone of reduced oxygen concentration including said first major surface and all points in said structure which are within 75 (100, 125, 150, 175) microns of said first major surface

Applicant contends that this language means that the zone is at least 75 (100, 125, 150, 175) microns deep, and, therefore, Tachikawa's 1 micron deep zone does not meet this recitation. The Examiner previously contended that this language means that the zone is not more than 75 (100, 125, 150, 175) microns deep, and, therefore,

Tachikawa's 1 micron deep zone does meet this recitation. However, as noted above, the Examiner is now convinced that the above-quoted language does distinguish over Tachikawa.

**Conclusion**

In view of the foregoing amendments and remarks, this application is in condition for allowance. Applicants respectfully request that Office to issue a Notice of Allowance at the earliest possible date. The Examiner is invited to contact Applicants' undersigned counsel by telephone call in order to further the prosecution of this case in any way.

Respectfully submitted,

Dated: March 8, 2011

/Theodore Naccarella/  
Theodore Naccarella, Reg. No. 33,023  
Saul Ewing LLP  
1500 Market Street, 38<sup>th</sup> Floor  
Philadelphia, PA 19101  
Telephone: (215) 972-7877  
Facsimile: (215) 972-4161

TXN:rb